(1) (4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6872/2006

PETITIONER

Kashi Prasad Pandey,
Son of Shri Omkar Prasad Pandey,
Aged about 46 years,
Assistant Teacher,
Government Primary School,
Kuthur, Block Nawagarh,
Distt.Janjgir-Champa (C.G.)

P.R. No. 7400 5/12/06
Presented by Shri A. Shrivastava
dated 4-12-06

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,
Department of Education,
Mantralaya, D.K.S Bhawan
Raipur (C.G.).

RECEIVED-COPY
8-12-06
CLERK to A. G. BILASPUR

2. Director of Public Instruction,
Raipur (C.G.).

3. The District Education Officer,
District Janjgir-Champa (C.G.).

4. The Block Education Officer,
Block Nawagarh, District
Janjgir-Champa (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT OF LIKE NATURE

(35)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

W. P. (S) No. 6867 of 2006

Petitioner : Shushil Kumar Pandey

Versus

Respondents : State of Chhattisgarh & others

W. P. (S) No. 6871 of 2006

Petitioner : Fuljentius Kujur

Versus

Respondents : State of Chhattisgarh & others

And

W. P. (S) No. 6872 of 2006

Petitioner : Kashi Prasad Pandey

Versus

Respondents : State of Chhattisgarh & others

Present: Mr. Ashwini Shukla, Advocate for the petitioners.

Ms. Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on 12th day of December, 2006)

1. The petitioners were appointed as Assistant Teacher, wherein, it was provided that the petitioners would be granted pay scale of Rs. 545-925/-, after a period of one year. It was further provided that the petitioners would be entitled to the fixed pay of Rs. 300/- for a period of one year.

2. Writ Petition (S) No.s 6867/2006, 6871/2006, and 6872/2006 are being disposed of by this common order as the facts and question of law involved in these petitions are common.

3. Similarly situated employees had approached the Madhya Pradesh State Administrative Tribunal. The Tribunal passed the order on 24.8.1992 in O.A. No. 2745 of 1989 (Madhukant Yadu and 56 others Vs. State of M.P. & others.)

4. It was further held that the said benefit would be given to all teachers and they should not be compelled to approach the Tribunal for similar benefit individually or collectively.

5. Being aggrieved, the then State of Madhya Pradesh had filed the Special Leave Petition (Civil) No. 6892/93 impugning the order dated 24.8.1992 passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89. The Hon'ble Supreme Court after hearing learned counsel for the parties, dismissed the Special Leave Petition and having regard to the large financial implications, granted one year's time to settle the claim for the arrears without interest vide order dated 3.1.1994. It was further observed that the intervention would work out their rights in accordance with law. This order dated 24.8.1992 passed by the Tribunal in O.A. No. 2745/1989 is applicable to the petitioners being similarly situated and they are accordingly entitled to the same benefit.

6. For the above stated reasons, the petitioners are granted liberty to make a representation to consider the cases of the petitioners if it stand on the same footing as per order dated 24.8.1992 by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others.) and subsequently confirmed by order dated 3.1.1994 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93 and grant relief accordingly.

7. These writ petitions are accordingly disposed of. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Bablu